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limitations period. Given the appearance of common counsel, this motion is **DENIED**. An evidentiary hearing is required on whether the Defendant Metro had actual knowledge of Plaintiff's EEOC charge and complaint prior to the issuance of the summons. See Smith v. Sofco, Inc., 142 F.3d 436 1998 WL 109997 at *3 (6th Cir. March 2, 1998).

As to Plaintiff's state law claims, the Court declines to exercise its supplemental jurisdiction over Plaintiff's state law claims and those claims are **DISMISSED without prejudice**.

For these reasons, the Defendant's motion for judgment on the pleadings is **DENIED**.

It is so **ORDERED**.

ENTERED this the 11th day of February, 2010.


WILLIAM J. HAYNES, JR.
United States District Judge